

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
WHEELING**

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**Criminal Action No. 5:19-CR-20  
(BAILEY)**

**KENNETH TRIBETT,**

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On this day, the above-styled matter came before this Court upon consideration of the Report and Recommendation of United States Magistrate Judge James P. Mazzone. By Local Rule, this action was referred to Magistrate Judge Mazzone for submission of a proposed report and a recommendation ("R&R"). Magistrate Judge Mazzone filed his R&R on October 11, 2019 [Doc. 32]. In that filing, the magistrate judge recommends that this Court deny the defendant's Motion to Suppress Evidence and Statements [Doc. 19].

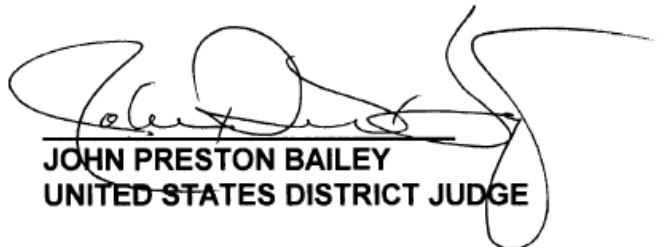
Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. ***Thomas v. Arn***, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); ***Snyder v. Ridenour***, 889 F.2d 1363, 1366 (4th Cir. 1989); ***United States v. Schronce***, 727 F.2d 91, 94 (4th Cir. 1984). Here, to preserve appellate review of the substance of the

recommendation, objections to Magistrate Judge Mazzone's R&R were due within fourteen (14) days of filing of the same, pursuant to 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). See **Golden v. Eagles**, 639 Fed.App'x 996 (4th Cir. 2016). To date, no objections have been filed, and the time within which to do so has since expired. Accordingly, the R&R will be reviewed for clear error.

After careful consideration of the record and the motion, it is the opinion of this Court that the Report and Recommendation **[Doc. 32]** should be, and is, hereby **ORDERED ADOPTED**. As such, the defendant's Motion to Suppress Evidence and Statements **[Doc. 19]** is hereby **DENIED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

**DATED:** October 31, 2019.



**JOHN PRESTON BAILEY**  
**UNITED STATES DISTRICT JUDGE**